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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,448	12/12/2003	Junya Maruyama	0756-7228	1436
31780	7590	04/25/2006	EXAMINER	
ERIC ROBINSON PMB 955 21010 SOUTHBANK ST. POTOMAC FALLS, VA 20165			DANG, PHUC T	
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/733,448

Applicant(s)

MARUYAMA ET AL.

Examiner

PHUC T. DANG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on RCE filed November 7, 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 110705
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

#### **Request for Continued Examination (RCE)**

1. Request for Continued Examination (RCE) filed on November 7, 2005 has been acknowledged and considered.

Claims 1-9 and 17-18 are currently pending in the application.

#### **Oath/Declaration**

2. The oath/declaration filed on December 12, 2003 is acceptable.

#### **Information Disclosure Statement**

3. The office acknowledges receipt of the following items from the applicant:

Information Disclosure Statement (IDS) filed on November 7, 2005.

#### **Claim Rejections - 35 USC § 102**

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1, 3-9 and 17-18 are rejected under 35 U.S.C. 102 (e) as being anticipated by Nishi et al. (U.S. Publication No. US 2004/0004434 A1).

Regarding claims 1, 7 and 17-18, Nishi et al. discloses a method of manufacturing a light emitting device comprising:

forming a pixel portion (23, Fig. 2B) over one of the substrates; figuring a first sealing material (26, Fig. 2B) having a bar shape (Fig. 2B) on the other substrate;

applying a second sealing material (27b, Fig. 2B) having lower viscosity than the first sealing material to a region surrounded by the first sealing material so that a second sealing material differs depending on a region to be applied to [[0018] page 1]; and

pasting [00130 the pair of substrates so that the first sealing material(24, Fig. 2B) is arranged to surround the pixel region (23, Fig. 2B), and a space [0051] between at least a pair of the first sealing materials (26, Fig. 2B) is filled with the second sealing material (27b, Fig. 2B) [0103] and [0139].

Regarding claim 3, Nishi discloses the first sealing material has opening portions at least at four corners [Figs. 2A-2B].

Regarding claim 4, Nishi et al. discloses the first sealing material includes a spacer for maintaining a gap between a pair of substrates [0102].

Regarding claim 5, Nishi discloses the second sealing material is exposed at the opening portion, and a peripheral border of the exposed second sealing material is curved [[0034] page 2 & Figs. 1A-1C].

Regarding claim 6, Nishi discloses the second sealing material is exposed at the opening

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portion, and peripheral border of the exposed second sealing material protrudes from the opening portion [[0034] page 2 & Fig. 1A].

Regarding claim 8, Nishi discloses the curing of the first sealing material and the second sealing material is performed by exposure to ultraviolet radiation or by heat [[0063] page 4].

Regarding claim 9, Nishi et al. discloses a pair of the substrates is divided vertically to the first sealing material after curing the first sealing material and the second sealing material [0065].

#### **Allowable Subject Matter**

5. The following is a statement of reason for the indication of allowable subject matter:

Claims 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

None of the Prior Art made of record discloses the second sealing material is applied at least to a central part of a pixel portion and to a position surrounding the central part with a constant distance therefrom; and an amount of the second sealing material applied to the central pad is larger than an amount applied to the position surrounding the central pad as cited in claim 2.

#### **Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuc T. Dang whose telephone number is 571-272-1776. The examiner can normally be reached on 8:00 am-5:00 pm.

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7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571) 272-1787. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and Final communications.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Phuc T. Dang



Primary Examiner

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